

In a subsequent telephone interview with Philip Fox, the Examiner in an interview summary record corrected the summary page to read: claims 1, 2, 8-10, 13, 14, 29-32, 34-37 and 44-59 are rejected and claims 3, 4, 11, 28, 33, 38-43 and 60-74 are objected to.

In addition, the Examiner in the summary interview corrected the rejection in the Office Action under Merensalmi Patent No. 4,127,676 to claims 1, 9, 10, 13 and 54-59 under 35 U.S.C. 102(b).

In view of the above, claims 1-4, 8-11, 13, 14 and 28-74 are cancelled, and new claims 83-262 are added. The application now includes claims 75-262.

The Examiner provisionally rejected claims 1 and 2 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 in co-pending Application No. 09/338,314. Since this is a provisional double patenting rejection, applicant will maintain a combination of claims 1 and 2, as new independent claim 83 along with respective dependent claims 84-94. It is applicant's understanding, that the only rejection of claim 2 was the provisional obviousness-type double patenting rejection and therefore new independent claim 83 with its respective dependent claims is patentable over the art.

New independent claim 95 is a combination of old claims 1 and 3. Old claim 3 was objected to by the Examiner, therefore it is believed that claim 95 is patentable along with respective dependent claims 96-108.

The Examiner also objected to old claim 28. Old claim 28 is combined with old claim 1 and presented as new independent claim 109 along with new dependent claims 110-114. It is believed that claims 109-114 are patentable over the prior art.

The Examiner also objected to old claim 38 which depended from old claim 2 and old claim 1. The combination of old claims 1, 2 and 38 are in new independent claim 115. In view of this, new independent claim 115 and its respective new dependent claims 116-127 are believed to be patentable.

The Examiner also objected to old claim 11 which depended from old independent claim 10. The contents of old claims 10 and 11 are presented in new independent claim 128. It is believed that claim 128 is in patentable form.

The Examiner also objected to old dependent claim 33 which depended from old independent claim 10. The elements of old claims 10 and 33 are presented in new independent claim 129. It is believed that claim 129 is in patentable form along with its respective dependent claims 130-138.

The Examiner also objected to old claim 60 which depended from old independent claim 49. The elements of old claims 49 and 60 are present in new independent claim 139. New independent claim 139 along with its respective dependent claims 140-144 are believed to be in patentable form.

The Examiner also objected to old claim 62 which depended from old independent claim 49. Old claim 62 defined that sugar alcohol comprised either glycerol or sorbitol. Therefore, the sorbitol element of old claim 62 was combined with the elements of old claim 49 into new independent claim 145. Similarly, the glycerol element of old claim 62 was combined with the elements of old claim 49 into new independent claim 153. It is believed that new independent claims 145 along with its respective new dependent claims 146-152 and new independent claim 153 along with its respective new dependent claims 154-160 are in patentable form.

The Examiner also objected to old claim 63 which depended from old independent claim 50. The elements of old claims 63 and 50 are presented in new independent claim 161. It is believed that new independent claim 161 along with its respective new dependent claims 162-166 are patentable.

The Examiner also objected to old claim 65 which depended from old independent claim 50. Old claim 65 further defined sugar alcohol as to be either glycerol or sorbitol. The sorbitol element of old claim 65 is combined with the elements of claim 50 as new independent claim 167. Similarly, the glycerol element of old claim 65 is combined with the elements of old claim 50 in new independent claim 175. It is believed that new independent claim 167 along with

its respective dependent claims 168-173, and new independent claim 175 with its respective dependent claims 176-182 are in patentable form.

The Examiner also objected to old dependent claim 66 which depended from old independent claim 51. The elements of old claims 51 and 66 are combined in new independent claim 183. It is believed that new independent claim 183 along with its respective dependent claims 184-188 are in patentable form.

The Examiner objected to old dependent claim 68 which depended from old independent claim 51. Old dependent claim 68 defines sugar alcohol as comprising glycerol or sorbitol. The sorbitol element of old claim 68 is combined with the elements of old claim 51 as new independent claim 189. The glycerol element of old claim 68 is combined with the elements of old claim 51 in new independent claim 197. It is believed that new independent claim 189 along with its respective dependent claims 190-196, and new independent claim 197 along with its respective dependent claims 198-204 are in patentable form.

The Examiner also objected to old claim 69 which depended from old independent claim 52. The elements of old claims 69 and 52 are presented in new independent claim 205. It is believed that new independent claim 205 along with its respective dependent claims 206-210 are in patentable form.

The Examiner also objected to old claim 71 which depended from old independent claim 52. Dependent claim 71 further defines sugar alcohol as comprising glycerol or sorbitol. The sorbitol element of old claim 71 is combined with old independent claim 52 in new independent claim 211. The glycerol element of old claim 71 is combined with the elements of old claim 52 in new independent claim 219. It is believed that new independent claim 211 along with its respective dependent claims 212-218 and new independent claim 219 along with its respective dependent claims 220-226 is in patentable form.

The Examiner objected to old claim 72 which depended from old independent claim 53. The elements of old claim 72 and old claim 53 are combined in new independent claim 227.

It is believed that new independent claim 227 along with its respective dependent claims 228-232 are in patentable form.

The Examiner objected also to old claim 74 which depended from old independent claim 53. Old claim 74 further define sugar alcohol as comprising glycerol or sorbitol. The glycerol element of old claim 74 is combined with the elements of old independent claim 53 in new independent claim 233. The sorbitol element of old claim 74 is combined with the elements of old independent claim 53 as new independent claim 241. It is believed that new independent claim 233 along with its respective dependent claims 234-240, and new independent claim 241 along with its respective dependent claims 242-248 are in allowable form.

Next, applicant has added new dependent claims 249-255 which either depend directly or indirectly from allowed independent claim 75, and therefore, are also allowable over the art.

Also, applicant has added new dependent claims 256-262 that depend either directly or indirectly from allowed independent claim 79, and therefore, are believed also to be allowable over the art.

In view of the above, it is believed that the application is now in allowable form, and consideration and allowance of the new claims added in the application are respectfully requested.

Respectfully submitted,

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